

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 07-19

**A RESOLUTION FOR THE ADOPTION OF AN AMENDMENT TO THE TOWN'S  
EMPLOYEE HANDBOOK REGARDING THE POLICE TAKE HOME VEHICLE  
PROGRAM AND GENERALLY RELATING TO THE AUTHORIZATION FOR THE  
USE OF VEHICLES AND OTHER TRANSPORTATION**

Introduced by: Mayor Habeeb-Ullah Muhammad

**WHEREAS**, pursuant to Section 33-69 of the Town Charter, the compensation of all officers (except the Mayor and Councilmen, which is established by ordinance) and employees of the Town shall be set from time to time by a resolution passed by the Council; and

**WHEREAS**, pursuant to Section 2.3 of the Town Ordinance Code, the Town Council is authorized and empowered to provide the employees of the Town with benefits, including, but not limited to, death benefits, surgical, hospitalization and other sick benefits, under group insurance plans or otherwise; and

**WHEREAS**, the Mayor and Council adopted Resolution 65-12 on October 17, 2012 thereby adopting a comprehensive revision of the Town's Employee Handbook, which has been subsequently amended; and

**WHEREAS**, the Mayor and Council adopted Resolution 63-16 on November 7, 2016, which amended Section 3.111 of the Employee Handbook regarding authorization for the use of vehicles and other transportation, and the tax and other implications thereof; and

**WHEREAS**, the Mayor and Council adopted Resolution 16-17 on April 19, 2017, which again amended Section 3.111 of the Employee Handbook mandating that commencing on July 1, 2017 only police officers living inside the corporate limits of the Town would be allowed to drive Town police vehicles home, and that all other officers would park Town vehicles at the police department headquarters; and

**WHEREAS**, the Mayor and Council adopted Resolution 34-17 on May 20, 2017, which further amended Section 3.111 of the Employee Handbook mandating that the new policy to commence on July 1, 2017 would not apply to certain police officers who had been allowed to drive Town police vehicles home prior to the approval of Resolution 16-17, and that said police officers would be considered to be grandfathered as to their use of a take home vehicle under this provision; and

**WHEREAS**, the Mayor and Council, based on recommendations including a participation and cost sharing program proposed by the Acting Chief (Exhibit 1 - Department Vehicle Transit Program Enrollment Agreement), find that it is in the best interest of the Town

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and for the good and efficient government thereof, that said Employee Handbook shall be further revised and amended regarding a policy concerning the use of vehicles and other transportation including police vehicles as stated herein below.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby adopts, and approves the following amendments to the Employee Handbook as originally adopted and approved by Resolution 65-12 on October 17, 2012, as amended:

\* \* \*

**3.111 USE OF VEHICLES AND OTHER TRANSPORTATION**

A. Scope. Except as stated herein, Town officials and employees requiring transportation to perform their official duties may be authorized to use various methods of transportation according to this Section. Except as stated herein, this Section does not apply to Forest Heights police officers and civilian employees, who shall be governed by the FHPD policy and procedures manual, namely Chapter 16, Section 1.

(1) Unless an exclusion applies, use of Town vehicles incidental to Town business for personal reasons may constitute taxable income pursuant to IRS regulations (i.e., IRS Pub. 15-B) and be subject to federal or state income taxes and social security taxes. The most common taxable use occurs when an employee or official uses a government vehicle more than once per month to commute between home and work. There are two applicable exclusions to the taxability of personal use of a Town vehicle:

(i) Commuting between home and work no more than once per month, is considered de minimus usage, and

(ii) Use of a police officer take-home (marked or unmarked) vehicle where the officer is subject to recall to duty, is considered a working condition fringe benefit.

B. Personal vehicle. A vehicle owned by someone other than the town and authorized for use in the official conduct of town business by a Town official or employee may be used and reimbursed in accordance with Section 3.90 of this Employee Handbook.

C. Public transportation. Bus, taxi, public transit and other similar publicly-owned transportation, authorized by a department head or the town administrator for use in the official conduct of town business may be used.

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D. Town vehicles.

(1) A Town-owned, leased or rented vehicle (a "Town vehicle") may be permanently or semi-permanently assigned to a department or office for use by authorized personnel in the official conduct of Town business.

(2) A Town vehicle may be checked-out of the Town pool of vehicles as required by authorized personnel in the official conduct of Town business.

E. Vehicle assignment and use policy.

(1) Unless another policy of the Town Council or contract states otherwise, Town vehicles shall only be used for official business or to maintain the ability to respond to Town business outside the official's or employee's normal work hours. They shall only be operated by Town employees, elected or appointed officials, or persons designated by contract to operate such vehicles.

(2) No Town vehicle shall be driven to and be kept at an official's or employee's home or location other than the regular work location or the municipal building parking areas, except as provided in this Section. Town vehicles shall not be used for personal business, nor strictly as transportation to and from work or office.

(3) Any person authorized to drive on official Town business must possess a valid motor vehicle driver's license for the class of vehicle they will be operating.

(4) The long-term assignment of vehicles will take place during the regular Town budget process; just as other assets are assigned to Town departments or offices. Use of Town vehicles, by other than elected officials, to regularly commute to-and-from work may be authorized after review and approval by the applicable department head and the Town Administrator.

(5) The temporary or short term signing out of vehicles may be authorized during and/or outside normal work hours by the Town Administrator or designee if determined to be an emergency and a more advantageous alternative as described in subsections b or c, is not available. An emergency use would include police operations, snowstorms, natural disaster, flooding, or public safety-related events and inspections on a weekend.

(6) All officials and employees are required to adhere to the following minimum rules of operation of Town vehicles:

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- (i) Speed limits shall be strictly observed,
  - (ii) Seat belts and all safety restraints shall be worn by the driver and all passengers,
  - (iii) The rules of the road and all traffic regulations shall be strictly observed,
  - (iv) Use of alcohol, intoxicants or controlled substances are strictly prohibited by the driver and all passengers,
  - (v) No vehicle shall be operated outside the boundaries of the Town, except when necessary to reach other sections of the Town, without the express permission of the department head or the Town Administrator. Exceptions to this rule shall apply when travelling to business-related meetings being held outside of the Town.
  - (vi) Dependent on the applicable department or office, additional rules of operation may apply. Each department head and the Town Administrator is authorized to publish additional rules of operation for use of Town vehicles.
- (7) Reporting accidents. Whenever a municipal vehicle is involved in an accident, or subject to damage, the employee or official operating the vehicle is required to immediately notify his or her immediate supervisor and/or the town administrator, and then file an accident incident report with the town police department or the Town Administrator.
- (8) Monthly activity report. On or before the first business day of each month, as applicable, each employee or official having been issued a vehicle on any day during the prior month shall provide a report in writing including (i) description of vehicle, (ii) odometer reading at the beginning and end of each days used, (iii) and destinations and stops, and (iv) any other information required by the department head or Town Administrator.
- (9) ~~[EXCEPT AS STATED IN THIS PARAGRAPH, COMMENCING ON JULY 1, 2017 ONLY POLICE OFFICERS LIVING INSIDE A THIRTY (30) MILE RADIUS OF THE TOWN OF FOREST HEIGHTS SHALL BE ALLOWED TO DRIVE MARKED TOWN POLICE VEHICLES HOME. ALL OTHER OFFICERS WILL PARK TOWN VEHICLES AT THE POLICE DEPARTMENT HEADQUARTERS. THE MAYOR IS AUTHORIZED TO ALLOW EXCEPTIONS TO THIS PARAGRAPH PROVIDED THAT THE EXCEPTION GRANTING PERMISSION TO DRIVE A TOWN POLICE VEHICLE HOME DOES NOT EXCEED MORE THAN TWO (2) OCCASIONS IN A GIVEN CALENDAR MONTH. THIS SUBSECTION SHALL NOT APPLY TO POLICE OFFICERS (TO WITH: CHIEF, DEPUTY~~

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~~CHIEF AND STAFF SERGEANT) WHO HAVE BEEN PREVIOUSLY ALLOWED TO DRIVE TOWN POLICE VEHICLES HOME PRIOR TO THE INITIAL APPROVAL OF THIS SUBSECTION PURSUANT TO RESOLUTION 16-17, AND SAID POLICE OFFICERS SHALL BE CONSIDERED TO BE GRANDFATHERED AS TO THEIR CONTINUED PERMITTED USE OF A MARKED OR UNMARKED TAKE HOME VEHICLE UNDER HIS PROVISION HOWEVER, NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PREVENT THE TOWN COUNCIL FROM FURTHER MODIFYING OR REMOVING THIS PRIVILEGE IN THE FUTURE.]~~ POLICE OFFICERS MAY AGREE TO PARTICIPATE IN ANY TAKE-HOME VEHICLE PROGRAM ADMINISTERED BY THE CHIEF OF POLICE PROVIDED THEY SHALL RESIDE WITHIN (30) THIRTY AIR MILES OF THE TOWN OF FOREST HEIGHTS, MARYLAND EXCEPT WHEN OTHERWISE AUTHORIZED BY THE CHIEF OF POLICE, AND PARTICIPANTS SHALL NOT RESIDE IN VIRGINIA OR THE DISTRICT OF COLUMBIA, UNLESS OTHERWISE AUTHORIZED BY THE CHIEF OF POLICE. SUCH TAKE HOME VEHICLE PROGRAM AGREEMENT PRESCRIBED BY THE CHIEF OF POLICE MAY INCLUDE A BIWEEKLY PAYROLL DEDUCTION BY AN OFFICER FOR COST SHARING IN AN AMOUNT NOT TO EXCEED \$100 BASED ON PROXIMITY OF RESIDENCE AS ESTABLISHED FROM TIME TO TIME BY THE MAYOR.

\* \* \*

**AND BE IT FURTHER RESOLVED** that the Mayor and Council hereby approve and authorize the use of Exhibit 1 - Department Vehicle Transit Program Enrollment Agreement, attached hereto and incorporated by reference herein, in the furtherance and implementation of this Resolution.

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its passage.

PASSED this 22 day of February 2019.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

KENNEDY II

Yea

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MCLAURIN

Absent

BARNES

Yea

HINES

Absent

WASHINGTON

Yea

BROWNSON

Absent

ATTEST:

THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

**SIGNATURE ON FILE**

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By:

**SIGNATURE ON FILE**

Habeeb-Ullah Muhammad, Mayor

By:

**SIGNATURE ON FILE**

\_\_\_\_\_  
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 22 of February 2019 with 4 Aye votes and 0 Nay vote the aforesaid Resolution 07-19 passed.

**SIGNATURE ON FILE**

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

EXHIBIT I (FHPD DEPARTMENT VEHICLE TRANSIT PROGRAM ENROLLMENT  
AGREEMENT)

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